



**FOUNTAIN HILLS
SANITARY
DISTRICT**

**RULES
AND
REGULATIONS**

**ADOPTED BY RESOLUTION NO. 151
NOVEMBER 13, 1986
AND AS AMENDED**

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ARTICLE I DEFINITIONS

The following definitions shall apply unless specifically defined otherwise:

1. **“Availability Fee”** means the fee imposed upon the owner of a parcel of real property situated in the District and NOT connected to the public sewer and which lies adjacent to a sewer line and which benefits from having the sewer line and capacity in the treatment works and effluent disposal facilities to accommodate the development thereof. The availability fee shall be no more than 50% of the minimum user fees fixed by the Board.
2. **“Best management practices”** means schedules of activities, pollution treatment practices or devices, prohibition of practices, general good housekeeping practices, pollution prevention, waste minimization, educational practices, maintenance procedures, and other management practices or devices to prevent or reduce the amount of pollutants entering the sanitary sewer system, surface water, air, land or groundwater. Best management practices may include a physical, chemical, structural or managerial practice or device that can help to achieve compliance with these Rules and Regulations.
3. **“Board”** means the Board of Directors of the Fountain Hills Sanitary District.
4. **“B.O.D.”** (biochemical oxygen demand), means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at twenty (20) degrees centigrade expressed in parts per million (ppm) by weight or in milligrams per liter (mg/l).
5. **“Capacity Fee”** means the fee imposed upon all owners of real property upon application for connection to the District’s sewer system and based upon the cost to develop the sewage collection, treatment, and effluent disposal facilities required to treat the flow of sewage which enters the sewer system of the District from a particular sewer connection.
6. **“Cooling water”** means the clean wastewater discharged from any heat transfer system such as condensation, air conditioning, cooling or refrigeration.
7. **“Contract Land”** means that land as defined in Resolution No. 146 of the Fountain Hills Sanitary District.
8. **“District”** means the Fountain Hills Sanitary District.
9. **“District Engineer”** means the engineer employed by the District, charged with carrying out the duties of District Engineer.
10. **“District Manager”** means the chief administrator of the Fountain Hills Sanitary District or his authorized assistant or representative.

11. **“Effluent limitation”** means the maximum allowable concentration as specified in these Rules and Regulations or any applicable stricter limitations set forth in a permit or by any Federal, state or local law, rule, regulation or order as measured in a representative sample gathered and analyzed consistent with an approved procedure.

12. **“Garbage”** means solid waste from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

13. **“Hook-up Fee”** means the fee imposed upon owners of real property upon application for connection to the public sewer and to connect to the public sewer, but not to include the cost of the actual physical connection.

14. **“Industrial waste”** means any liquid, free flowing waste, including cooling water, resulting from any industrial or manufacturing process or from the development, recovery or processing of natural resources, with or without suspended solids, excluding uncontaminated water. Industrial waste shall not be discharged into the public sewer unless permission is first secured from the District Manager under such terms and conditions determined by the District Manager to be necessary and appropriate to protect the public sewer and comply with these Rules and Regulations, other District regulations, any permit and any applicable stricter Federal, state or local law, rule, regulation or order.

15. **“Lateral Fee”** means the fee imposed upon an owner of real property upon application for connection to the public sewer and to cover the cost to construct a sewer lateral from the property line of the said owner to the middle of the easement or right-of-way in which the sewer is located.

16. **“Lower Explosive Limit”** (LEL) means the concentrations in air below which there is not enough fuel to continue an explosion.

17. **“Natural outlet”** means any outlet into a watercourse, ditch, or other body of surface or groundwater.

18. **“New Development”** means any new improvements on land within the boundary of the District which includes facilities generating sewage.

19. **“New Subdivision”** means the splitting of land within the boundary of the District into two or more individual lots, consistent with state and local requirements.

20. **“Permit”** means any written authorization required pursuant to these Rules and Regulations or any other regulation of the District controlling the installation, use or maintenance of any portion of the sewerage system.

21. **“Person”** means any individual, partnership, co-partnership, firm, company, corporation, limited liability company, association, joint stock company, trust, state, municipality, Indian tribe, political subdivision, Federal governmental agency or any other entity recognized by law, including their legal representatives, agents and assigns.

22. **“pH”** means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

23. **“Pollutant”** means any dredged spoil, solid waste, incinerator residue, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural wastes and any other substance that is prohibited from being discharged to the sewerage system by these Rules and Regulations, including Article V.

24. **“Pretreatment”** means the physical, chemical, biological or other treatment or barrier of any sewage or industrial waste prior to discharge to the sewerage system for the purpose of (a) reducing the amount or concentration of any pollutant, (b) eliminating the discharge of any pollutant, or (c) altering the nature of any pollutant characteristic to a less harmful state.

25. **“Private sewer”** means the portion of the sewerage system under the jurisdiction of the District owned, operated and maintained by the property owner, generally, but not exclusively, on private land connecting a sewage source to the public sewer, including, without limitation, laterals, force mains and private lift stations.

26. **“Proper District Authority”** means the District Manager or one charged with the responsibility of carrying out the objectives of the District as prescribed by the Board.

27. **“Properly shredded garbage”** means garbage that has been shredded to a degree that all particles will be carried freely under the flow conditions prevailing in the District’s sewers, with no particles greater than one fourth (1/4) of an inch in any dimension.

28. **“Public sewer”** means the portion of the sewerage system under the jurisdiction of the District owned, operated and maintained by the District, but does not include private sewers.

29. **“Sanitary sewer”** means a sewer which carries sewage and to which storm, surface, and ground waters are not deliberately admitted.

30. **“Sewage”** or **“Sanitary sewage”** means any and all waste substances, liquids or solids associated with human habitation, together with such garbage and storm, surface and ground waters as may be present, but excluding industrial waste. Industrial waste, which is uncommon for the District, must be evaluated and addressed by the District Manager on a case-by-case basis.

31. **“Sewage treatment plant”** means any arrangement of devices and structures used for treating sewage.

32. **“Sewer connection”** means the connection to the public sewer and the extension therefrom of the sewer to the property line.

33. **“Sewer line”** means any pipe, conduit, or apparatus owned by the District and used or usable for transporting sewage.

34. **“Sewerage system”** means all facilities for collecting, pumping, transporting, treating, and disposing of sewage.

35. **“Shall”** means mandatory.

36. **“Storm sewer”** or “storm drain” means a system separate from the sanitary sewer designed to carry storm and surface water and drainage, but not designed or intended to carry sewage or industrial waste.

37. **“Suspended solids”** (SS) means solids that either float on the surface of or are suspended in water, sewage, or other liquids and which are removable by laboratory filtering.

38. **“User”** means (a) the owner, tenant, trustee, mortgagee, receiver or occupier of any property or structure that is connected, directly or indirectly, to the public sewer or any other approved disposal system under the jurisdiction of the District and (b) any person that causes or permits the discharge of sewage or industrial waste to the public sewer or any other approved disposal system under the jurisdiction of the District.

39. **“User Fee”** means the fee imposed upon users to defray the proportional share of the cost of the operation, maintenance, and replacement of the public sewer.

40. **“Wastewater”** means any liquid or water-carried pollutant introduced into the sewerage system from any source.

41. **“Watercourse”** means a channel in which a flow of water occurs either continuously or intermittently.

ARTICLE II DISTRICT ORGANIZATION

Section 1. Duties of Sanitary District Board

A. It shall be the duty of the Board to plan, control, and manage all matters pertaining to the Sewage Collection and Disposal System of the District in conformity with all applicable Federal, state, county and local laws and regulations applicable thereto.

B. The Board shall have general supervision over the District’s sewer system, all real and personal property connected therewith, and the employees thereof.

C. The Board shall have the power to employ sanitation experts, engineers, administrators, surveyors, counsel, or any other persons as are necessary in the exercise of its powers (A.R.S. Section 48-2011[9]).

1. All such persons shall be first interviewed by the District Manager after advertising for said position, if required.
2. No such persons shall be employed or discharged without the approval of the majority of the Board.
3. The compensation for such persons shall be determined by a majority of the Board upon recommendation from the District Manager.
4. No person shall be employed or discharged for political or partisan reasons.
5. The word person or persons as used in this Section shall be defined to include a corporation, limited liability company, company, partnership, firm, sole proprietorship, association, or society, as well as a natural person.

Section 2. Duties of the District Manager

A. There is hereby established the position of District Manager of the system who shall be employed by the Board through an employment contract setting forth the hours, duties and compensation of said Manager. Upon employment the Manager becomes an agent of the District. No person shall be employed or discharged as District Manager without the approval of the majority of the Board.

B. The District Manager shall have the power to employ and discharge any and all employees necessary for the proper operation and maintenance of the system and shall recommend the compensation of individual employees for approval by the Board consistent with the pay range scale currently adopted for the District. No person shall be employed or discharged for political or partisan reasons. The duties of all persons shall be governed by job descriptions as adopted by the Board.

C. The District Manager shall have the power to make any and all purchases in accordance with the District's purchasing policy to insure the proper operation and maintenance of the District System.

D. The District Manager shall, from time to time, recommend to the Board Rules and Regulations governing the maintenance and operation of the System.

E. It shall be the duty of the District Manager to prepare and submit to the Board not less than sixty (60) days before the final date for submission of the Board's annual budget his recommendations concerning the proposed operation and maintenance of the sewer system and proposed expenditures, either capital or otherwise, and such other proposals which, in the opinion of the Manager, would bear upon the proposed annual budget and proper maintenance and operation of the system.

F. The District Manager shall present to the Board a monthly report of the operation of the system during the regular monthly meeting.

G. The District Manager shall receive, review, accept or deny, and monitor all permits referred to in these Rules and Regulations and any amendments made thereto.

H. The District Manager shall monitor the wastewater management of the District. In monitoring the operation and management of the user system, the Manager may require laboratory analysis of a user's discharge and may determine the necessity and extent of pretreatment needed to properly operate and maintain the system.

I. The District Manager shall designate the criteria on which to base charges and shall recommend to the Board a rate schedule for all charges of the District pertaining to the use and availability of the sewer.

J. The District Manager shall calculate, subject to approval of the Board, the industrial user's annual share of the industrial cost recovery period under P.L. 92-500 where applicable.

K. The District Manager shall insure that all District procurements are accomplished consistent with the District's procurement policies and procedures.

Section 3. Duties of the District Engineer

The duties of the District Engineer shall be those as delineated by contract between the District and a consulting engineering firm or as defined by a job description for a properly credentialed District employee consistent with state requirements and Board policies and procedures.

**ARTICLE III
REGULATION OF PRIVATE SEWAGE DISPOSAL SYSTEMS**

Septic tanks or other private means of sewage disposal are not permitted within the boundaries of the District. The Board's policy is to extend sewers to all lots under development within the District consistent with agreements with developers and District Resolutions.

**ARTICLE IV
REGULATION OF EXISTING CONNECTIONS**

Section 1. Existing Connections

All owners of property connected to the District sewer as of the date of the adoption of these Rules and Regulations and all property subsequently connected to the District sewer under

these Rules and Regulations must continue to properly maintain such connections consistent with these regulations.

Section 2. Compliance for Connections

It shall be unlawful for any person to connect a private sewer line or lines to any portion of the District sewer system unless said person has first made proper application for a permit to connect to said sewer system, has paid all fees required by the District to accompany said application, and said application has been approved by the proper District authorities.

All connections to the District sewer shall be made pursuant to any Rules and Regulations or Resolutions of the District. Further, all connections shall be made in compliance with the Design Standards of the District and the current edition of the Uniform Plumbing Code and be subject to inspection and approval by the District, its employees, agents, or nominees at the time of connection. A sewer connection shall be deemed to have occurred when a lateral from the sewer located within the sewer right-of-way is continuous from the sewer to any point within the vertical plane of any boundary of the property.

**ARTICLE V
REGULATIONS REGARDING USE OF PUBLIC SEWER
AND PRETREATMENT**

Section 1. Certain Substances Prohibited/Best Management Practices

A. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described substances to the public sewer:

1. Any storm water, surface water, groundwater, roof runoff, sheet flow, cooling water, water used for air cooling purposes, or process waters, unless otherwise approved in writing by the District Manager,
2. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (66 degrees Centigrade),
3. Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil, or grease,
4. Any antifreeze, paint, paint thinner, lacquer, lacquer thinner, gasoline, benzene, naphtha, fuel oil, motor oil or other flammable or explosive liquid, solid, or gas, or any other substance which creates a fire or explosion hazard to the public sewer. In no case shall any substance be discharged with a closed cup flashpoint less than 140 degrees Fahrenheit (60 degrees Centigrade), or which causes an exceedance of

ten percent of the Lower Explosive Limit (LEL) at any point within the public sewer for any single reading of more than five percent for any two consecutive readings,

5. Any garbage that has not been properly shredded,
6. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, or paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in the public sewer or otherwise causing interference with the proper operation of any portion of the sewage system,
7. Any water or waste having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to the sewage system or to the employees of the District,
8. Any water or waste containing a toxic, radioactive, poisonous or other substance in sufficient quantity to cause or to have the potential to cause injury to or interference with the flow or operation of any portion of the public sewer, cause corrosive structural damage, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant,
9. Any water or waste containing any pollutants which result in the presence of toxic gases, vapors, or fumes within the public sewer in a quantity that may cause acute worker health or safety problems,
10. Any water or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant or elsewhere within the public sewer,
11. Any noxious or malodorous gas or substance capable of creating a public nuisance,
12. Any water or waste that has in any way been diluted, as a substitute for pretreatment, for the purpose of obtaining compliance with any categorical standard or pretreatment requirement imposed by this Article or any Federal, state or local law, rule or regulation, except where dilution is expressly authorized by any categorical standard,

13. Any water or waste that is transported by the point of generation to the public sewer by any septic tank pumper, or chemical waste hauler, or similarly transported unless the transporter has first:
 - a. Disclosed to the District Manager the origin, nature, concentration and volume of all pollutants to be discharged; and
 - b. Obtained the written consent of the District Manager to discharge,
14. Any water or waste that could cause a violation of any categorical standard or pretreatment requirement imposed by this Article or any Federal, state or local law, rule or regulation,
15. Any discharge that exhibits a characteristic of a hazardous waste, or contains a substance that is listed as a hazardous waste pursuant to either Arizona Administrative Code R18-8-261, as amended, or Title 40, Code of Federal Regulations, Part 261, as amended, whichever is applicable, whether or not the discharge is otherwise subject to hazardous waste regulations and is subject to pretreatment pursuant to this Article, or any applicable stricter Federal, state or local law, rule or regulation, unless the discharge is disclosed to and approved, in writing, by the District Manager, and
16. Any substance whose physical, chemical, or electrical properties might be such as to interfere with any phase of the operation of the public sewer,

B. In addition to the prohibitions and effluent limitations set forth in Section 1, Subsection B of this Section, the District Manager may:

1. Establish limitations for individual users or class of users for various pollutants, materials, waters or wastes that can be accepted into the public sewer,
2. Prohibit any discharge to the public sewer that is deemed, by the District Manager, to have an adverse effect on any part of the public sewer,
3. Identify those pollutants, materials, waters or wastes to be controlled with best management practices, and
4. Require implementation of best management practices by individual users or class of users.

C. The District Manager shall make the determinations allowed by Subsection B of this Section, based on sound engineering and operational evaluations, taking into consideration such things as the nature and concentration of the discharge, its point of entry into the public sewer and its compatibility with other discharges in the public sewer.

D. All prohibitions, effluent limitations and best management practices established by the District Manager shall be placed on file with the District and will become effective and enforceable on the thirty-first day after the date of filing with the District.

E. All affected users shall comply with any prohibitions, effluent limitations and best management practices established by the District Manager in accordance with this Section.

Section 2. Traps and Interceptors

A. Unless otherwise approved by the District Manager, traps and/or interceptors are required to be installed:

1. At all non-residential premises where food is or can be prepared and/or served, including, without limitation, restaurants, school and church cafeterias, social halls, and common kitchen facilities maintained by apartments, condominiums and boarding houses,
2. When, in the opinion of the District Manager, they are necessary for the proper handling of liquid waste prohibited or in excess of limits set forth in Section 1 of this Article or any applicable and stricter Federal, state or local law, rule or regulation, including without limitation, supermarkets, service stations, and equipment service and repair facilities,
3. On all lateral lines which contain or carry wastewater discharge from washing machines into the sewer system, except those maintained for private use in homes, apartments, or condominiums, and
4. When otherwise determined by the District Manager to be necessary and appropriate to protect the public sewer or its operation. The District Manager shall make the determination of whether to require a trap or interceptor based on sound engineering and operational evaluations, taking into consideration such things as the nature and concentration of the discharge, its point of entry into the public sewer and its compatibility with other discharges to the public sewer.

B. All traps and interceptors shall be:

1. Installed by and maintained at the expense of the user,
2. Be of a type, material and capacity approved by the District and in accordance with the District's Design Standards,
3. Located in such a manner as to provide easy access for cleaning and inspection,
4. Maintained, including the complete removal of contents, including floating materials, wastewater and bottom sludges and solids and kept in continuously efficient operation at all times,
5. Pumped out or cleaned out completely at least once every one hundred eighty (180) days, or more frequently as required by the District, unless otherwise authorized in writing by the District Manager,
6. Operated so that no decanting or discharging of removed waste goes back into the trap or interceptor from which the waste was removed or any appurtenance of the wastewater collection system,
7. Free from all noxious odors, and
8. Subject to inspection by District personnel, upon presentation of District credentials, at any time during normal work hours.

C. The use of any enzymes, chemicals, or bacteria as a substitute for grease trap or interceptor maintenance is prohibited. The District Manager may authorize the use of such additives as a supplement to maintenance after a written request, including safety data sheets. Addition of emulsifiers into grease removal devices is prohibited.

D. Interceptors shall be equipped with easily removable covers which, when installed in place, shall be water and gas tight.

E. The user shall keep written records and documentation of all installation, cleaning, repair, calibration and maintenance required to demonstrate compliance with this Section. Records shall be kept at the facility for a minimum of three years and shall be made available to the District for review and copying upon request.

Section 3. Sewage Requiring Special Treatment or Handling

A. Where the sewage or industrial waste from any manufacturing or industrial plant, building, or premises will damage the public sewer or cannot be treated satisfactorily by the sewage treatment plant, the user shall, at user's cost, prevent such sewage or

industrial waste from entering the public sewer and shall dispose of such sewage or industrial waste in compliance with all applicable laws, rules and regulations.

B. Preliminary treatment shall be provided by the user at the user's cost:

1. When necessary for the sewage or industrial waste entering the public sewer to comply with this Article, or if stricter, any applicable Federal, state or local law, rule or regulation, or
2. When necessary to, in the opinion of the District Manager, based on sound engineering and operational evaluations, taking into consideration such things as the nature and concentration of the discharge, its point of entry into the public sewer and its compatibility with other discharges to the public sewer:
 - a. prevent imposing an unreasonable burden upon the sewerage system,
 - b. prevent damage to the sewerage system, or
 - c. control the quantities and rates of discharge.

C. The admission into the public sewer of any water, sewage or industrial waste having any of the characteristics described below shall be subject to review and approval by the District Manager, which approval may be contingent upon the installation, at the user's cost, of such preliminary treatment as the District Manager may deem necessary:

1. A five (5) day B.O.D. greater than 250 parts per million by weight,
2. Containing more than 250 parts per million by weight of suspended solids,
3. Containing any quantity or substances having the characteristics described in Section 1 of this Article, or
4. Having an average daily flow greater than two percent (2%) of the average daily sewage flow of the District.

D. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the District Manager and the Maricopa County Environmental Services Department. No construction of preliminary treatment facilities shall be commenced until the Maricopa County

Environmental Services Department issues an approval to construct and written authorization to commence construction is received from the District Manager. The completed facilities shall not be placed in service until:

1. They have been inspected for conformance to the approved plans, and
2. The final construction is approved by the District Manager and an approval of construction is issued by the Maricopa County Environmental Services Department.

E. The approval of the plans and inspection of construction shall not relieve the user and property owner from complying with all discharge limitations set forth in this Article and, if stricter, any applicable Federal, state or local law, rule or regulation, including without limitation, Federal Pretreatment Regulations set forth in 40 Code of Federal Regulations, Part 403, as amended.

F. Prior to any industrial user connecting to the public sewer, the industry and the District will develop and enter into an agreement encompassing an Industrial Cost Recovery system that complies with the applicable Federal and/or state regulations and which has received all required Federal, state and local approvals.

Section 4. Maintenance of Preliminary Treatment Facilities

A. All preliminary treatment facilities shall be:

1. Installed by and maintained at the expense of the user,
2. Maintained continuously in satisfactory and effective operation by the user,
3. Free from all noxious odors, and
4. Subject to inspection by District personnel, upon presentation of District credentials, at any time during normal work hours.

B. The user shall keep written records and documentation of all installation, cleaning, repair, calibration and maintenance required to demonstrate compliance with Section 3 and 4 of this Article. Records shall be kept at the facility for a minimum of three years and shall be made available to the District for review and copying upon request.

Section 5. Control Manholes for Sampling and Measuring

A. When the District Manager determines that a control manhole is necessary to facilitate observation, measurement or sampling of water, sewage or industrial water for compliance with this Article, the owner of the affected property or the affected user shall install a suitable control manhole in the private sewer.

B. Such manhole, when required, shall be:

1. Installed by and maintained at the expense of the user,
2. Accessible and safely located,
3. Constructed in accordance with plans approved by the District Manager,
4. Maintained continuously in satisfactory and effective operation by the user so as to be safe and accessible at all times, and
5. Subject to inspection by District personnel, upon presentation of District credentials, at any time during normal work hours.

Section 6. Sampling and Measuring Procedures

All measurements, tests, and analyses of the characteristics of water, sewage and industrial waste taken in order to comply with or determine compliance with this Article shall be determined at the control manhole in accordance with approved laboratory procedures, such as the “Standard Methods for the Examination of Water and Wastewater” (latest edition) and acceptable to the District Manager. Where no control manhole has been installed, sampling and measuring shall take place at the nearest downstream manhole in the public sewer from the point at which the private sewer is connected. If deemed appropriate by the District Manager, sampling, testing and measurements may be required at multiple locations. The user is responsible for the cost of all re-sampling and re-testing where testing and sampling performed by the District show non-compliance with this Article.

Section 7. Special Agreements

Nothing in this Article shall be construed as preventing the District and a user from entering into a special agreement consistent with all applicable Federal, state and local laws and regulations whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefore by the user, if the District concludes such an agreement will benefit the District.

Section 8. Violations and Penalties

A. In addition to the penalties set forth in Article X, any person, firm, corporation or entity violating any of the provisions of this Article, including, without limitation, the failure to install and properly maintain required traps, interceptors, and pretreatment facilities, shall be subject to:

1. The payment of a civil penalty of not less than Five Hundred Dollars (\$500.00) and up to Twenty-Five Thousand Dollars (\$25,000.00) for each violation. For continuing violations, each day shall be deemed and considered a separate offense, and
2. Injunctive or other equitable relief.

B. In establishing the amount of civil penalty to impose under this Section, the District shall consider the following factors:

1. The seriousness of the violation,
2. The economic benefit, if any, resulting from the violation,
3. Any history of such violation,
4. Any good faith efforts to comply with the applicable requirements,
5. The economic impact of the penalty on the violator, and
6. Such other factors as justice may require.

C. The District shall not receive civil penalties under this Section if an interested person, the United States, this state or a city, town, county or another sanitary district has received civil penalties or is diligently prosecuting a civil penalty action in a court of the United States or this state, or in an administrative enforcement proceeding, with respect to the same allegations, standard, requirement or order.

**ARTICLE VI
REGULATIONS RELATING TO NEW SEWER CONNECTIONS**

Section 1. STANDARDS GOVERNING CONNECTION PERMITS

All applications for new connections to the sewer system and for the development of new sewage collection and transmission systems with the District shall be made on a Form of

Application approved by the District. The following standards and Rules and Regulations shall govern the issuance of connection permits:

A. **Adequacy of Design** The responsibility for the adequacy of the design or the materials used shall rest solely with the permittee and the issuing of a permit shall not relieve him of that responsibility. The issuance of a permit shall not be construed as approval of concept or construction details of the proposed facilities and shall not absolve the permittee or design engineer, if any, of their respective responsibilities.

B. **Joint Construction and Operation Permits** Unless otherwise stated by special conditions, the issuance of this permit shall be a joint construction and operation permit provided that the permittee complies with all general, standard, and special conditions of the District.

C. **Allowable Discharges** Discharges into the sanitary sewer system constructed under this permit shall consist of sanitary sewage only. Unless otherwise stated by the special permit conditions, there shall be no discharge of industrial waste under the permit. Storm water shall not be permitted to enter the sanitary sewer system.

D. **Construction Inspection** All sewer construction shall be inspected and approved by the District. No sewer trenches shall be backfilled except as authorized by the District after having been inspected and approved and the sewer installed.

E. **Maintenance of Privately Owned Sewer Lines** The sewer connections, lines, systems, or facilities constructed hereunder, or serving the facilities constructed hereunder, shall be properly maintained and operated at all times in accordance with all applicable requirements. It is understood that the responsibility for maintenance shall run as a joint and several obligation against the property served and the owner or the operator of the facilities. Said responsibility shall not be discharged nor in any way affected by change of ownership of said property.

F. **Indemnification** The permittee shall be solely responsible for and shall defend, indemnify, and save harmless the District from and against any and all claims, costs, damages, or expenses the District may suffer, incur, sustain, or become liable for on account of any injury to, or death of, any person or persons, or any damage to, or destruction of, any real or personal property that may be caused by the construction, use, state of repair, operation and maintenance of the proposed facilities, arising out of or in consequence of the issuance of this permit. Without limiting the generality of the preceding sentence, the provisions of this paragraph shall extend to indemnify and save harmless the District from any claims or damages arising out of or in connection with the termination or revocation of this permit.

G. **Third Parties** This permit does not grant the right or authority to the permittee (1) to construct or encroach upon any lands of the District or of any other parties, (2) to construct outside of the territorial boundaries of the District, or (3) to construct or encroach upon the territorial boundaries of any units of local government within the District.

H. **Cost** It is expressly stipulated and clearly understood that the sewerage system or facilities for which the permit is issued shall be constructed, operated, and maintained at no cost to the District.

I. **Other Construction** The District reserves the right, privilege, and authority to permit others to reconstruct, change, alter, and replace all sewers and appurtenances thereto at the point of connection of any sewerage system to a District interceptor or in public rights-of-way or District easements and to introduce additional sewage flow through this connection into the intercepting sewer of said District.

J. **Interceptors Overloading** The District serves notice that its interceptors may flow full and may surcharge and flooding of the proposed system may occur. The permittee is put on notice that the proposed systems shall be constructed, operated, and maintained at the sole risk of the permittee.

K. **Nontransferability** This permit may not be assigned or transferred without the written consent of the District.

L. **Agreement** The permittee, in consideration of the District providing sewer service, agrees to pay all sewer user charges levied by the District within twenty (20) days of the mailing of the statement for the same by the District or its agent. In the event the permittee fails to make such payment when due, the permittee agrees that the District may record a lien against the interest of the permittee in the property or improvements of the permittee affected by this permit and that said lien may be foreclosed in the same manner as a mechanic's or material man's lien. For purposes of this permit and any actions taken thereunder, the permittee hereby waives any claim of homestead or other exemption now or hereafter granted by law.

M. **Termination** It is understood and agreed that except as provided in Article VIII, Section 7, for nonpayment, in the event the permittee shall default in or fail to perform and carry out any of the covenants, conditions, and provisions of this permit and such default or violation shall continue for sixty (60) days after receipt of notice thereof, in writing, given by the District, then it shall be lawful for the District, at or after the expiration of said sixty (60) days, to declare said permit terminated. The permittee agrees that immediately upon receipt of written notice of such termination it will stop all operations, discontinue any discharges, and disconnect the sewerage system or facilities constructed under this permit. If the permittee fails to do so, the District shall have the right to

disconnect said system. The permittee hereby agrees to pay for any costs incurred by the District for said disconnections. The various rights and remedies of the District contained in this permit shall be construed as cumulative, and not one of them shall be construed as exclusive of any one or more of the others or exclusive of any other rights or remedies allowed by applicable rules, regulations, ordinances, and laws. An election by the District to enforce any one or more of its rights or remedies shall not be construed as a waiver of the rights of the District to pursue any other rights or remedies provided under the terms and provisions of this permit or under any applicable rules, regulations, ordinances, or laws.

N. **Expiration** This permit shall expire if construction has not started within six (6) months from the date of issue. Construction under an expired permit is deemed construction without a permit. All construction under this permit shall be completed within one (1) year after start of construction. If conditions so warrant, an extension may be granted.

O. **Revocation** In issuing this permit, the District has relied upon the statements and representations made by the permittee or his agent. Any incorrect statements or representations shall be cause for revocation of this permit and all the rights of the permittee hereunder shall immediately become null and void.

P. **Advance Notice** Prior to commencement of construction under this permit, the permittee shall give the District an advance notice of at least two working days. When advance notice is given, the permittee shall provide the permit number.

Q. **Compliance with Plans and Specifications** All construction shall be in accordance with the plans and specifications, if any, submitted for this permit, the general specifications of the District, and the Uniform Plumbing Code. No changes in or deviation from the plans and specifications which affect capacity, maintenance, design requirements, service area, or permit requirements shall be permitted unless revised plans shall have been submitted to and approved by the District. The permit together with a set of the plans and specifications, if any, shall be kept on the job site at all times during construction until final inspection and approval by the District.

R. **Testing and Approval** All construction under this permit shall be subject to inspection, testing, and approval by the District. Upon satisfactory completion of construction, the permittee and the owner shall submit, or cause to be submitted, a request for approval on the form prescribed by the District. No sewer or other facilities shall be put in service until all the conditions of the permit have been satisfactorily met.

S. **Compliance with Rules and Regulations** The permittee is responsible for meeting the requirements of all applicable rules, regulations, ordinances, and laws of local, state, and Federal authorities. Issuance of this permit shall not constitute a waiver of any applicable requirements.

T. **“As Built” Plans** All parties receiving a permit for connection of sewage facilities to the District shall provide to the District upon completion of the installation of the sewer system installed by such parties a copy of reproducible “as built” plans and specifications for the sewer system installed in accordance with the Plans and Specifications submitted at the time of application for the permit.

Section 2. Compliance for Connections

It shall be unlawful for any person to connect a private sewer line or lines to any portion of the District sewer system unless said person has first made proper application for a permit to connect to said sewer system, has paid all fees required by the District to accompany said application, and said application has been approved by the proper District authorities. All connections to the District sewer shall be made pursuant to any Rules and Regulations or Resolutions of the District. Further, all connections shall be made in compliance with the District Design Standards and the current edition of the Uniform Plumbing Code and be subject to inspection and approval by the District, its employees, agents, or nominees at the time of connection. A sewer connection shall be deemed to have occurred when a lateral from the sewer located within the sewer right-of-way is continuous from the sewer to any point within the vertical plane of any boundary of the property.

**ARTICLE VII
STANDARDS APPLYING TO NEW DEVELOPMENTS**

Section 1. New Developments – Preliminary Plan Approval

The following conditions apply to all new developments, subdivisions, all non-residential facilities, condominiums, and apartments.

A. All applicants seeking to develop or improve any real property through the construction of any improvements greater in density and use than a single family dwelling on an already platted subdivision lot shall first submit to the District for preliminary approval, copies of the preliminary plans to insure compliance with its Rules and Regulations. In the case of any new subdivision, the preliminary plans for the subdivision must be submitted to the District at the same time it is submitted to the Town for Town approval. The Developer is responsible for complying with the Development Approval Process adopted by the District.

Section 2. Will Service Agreement/Fee Payments

Before the District will approve or execute an Agreement to Accept Sewage acceptable to the Maricopa County Environmental Services Department, the applicant shall have

complied with all applicable Rules and Regulations of the District and paid all fees as required by the District pursuant to its Rules and Regulations.

Section 3. Responsibilities of Developer

A. It shall be the duty of the applicant developing the property to provide or construct all sewer lines connecting the improvements located upon the property to the existing District sewer system, including the construction of new collector sewers, lift stations and other appurtenances, both on and off-site, to extend the District's sewer lines to the property under development. The applicant must convey fee simple title to the District all such sewer lines, as well as all easements necessary to insure a public right-of-way along all sewers to be maintained and operated by the District at no cost to the District.

B. In addition, the developer of any new development shall provide the necessary funding or facilities for the disposal of effluent in a quantity equal to or greater than the quantity of sewage contributed by the development at buildout. Any facilities provided must be in compliance with all Federal, state, local, and District requirements.

**ARTICLE VIII
FEES AND CHARGES**

Section 1. User, Hook-Up, Lateral, Capacity, And Availability Fees

The User, Hook-up, Lateral, Capacity, and Availability Fees shall be in accordance with the provisions of Resolution No. 159 and all amendments thereto.

Section 2. Project Review and Inspection Fee

A Project Review and Inspection Fee shall be charged to developers of new subdivisions. Said fee shall cover the cost of plan review, physical inspection of all sewer construction including but not limited to TV inspection of the sewer lines, and observation of required testing for all sewer facility construction. Said fee shall be payable prior to the approval of plans and specifications.

Section 3. Availability Fees

A. All parcels of real property situated within the District and not connected to the District's sewer system but lying adjacent to a sewer line whether said lines were installed by a developer, the Sanitary District, or others are subject to the imposition of an Availability Fee as set forth by Resolution No. 146.

B. The Availability Fee will be collected by the District:

1. By direct billing to the property owners and subsequent payment thereof.
2. By notification to all title companies within the area of the imposition of the Availability Fee and a request by the District that said fees billed but unpaid, unbilled or delinquent, be prorated and withheld from the proceeds of sale on real property subject to said fee and the remittance thereof to the District.
3. By collection from an applicant for a permit to connect to the District's sewer system, if not otherwise collected.

C. An Availability Fee shall be charged to all parcels of real property subject thereto until such time as said parcel begins to pay a sewer user charge.

1. In cases where the availability charge has been paid in full to the end of a billing period, a refund computed to the nearest one-half month shall be given to the owner of the parcel of real property upon presentation of a statement for monthly user charge or other proof that the sewer user charge is then in effect.
2. Upon determination that the sewer user's charge is in effect for a certain parcel of real property no further availability charges shall be billed or collected from said parcel of real property.
3. If the District has sufficient proof that an availability charge was prepared in error due to mistake or procedural discrepancies, a full credit shall be given the property owner for said erroneous billing.

Section 4. Deleted

Section 5. Responsibility for Payment of Charges and Fees

All fees and charges shall be payable by and billed to the owner of the property upon which are located the improvements which are connected to the sewer or the user of the sewer system whether or not the user is the owner of the property upon which are located the improvements that are connected to the sewer.

Section 6. Agreements

The District may have agreements which address:

- A. The reservation of capacity in the District's treatment works; or
- B. The charges to be collected by the District in providing wastewater treatment services or reserving capacity.

The user charge system shall take precedence over any terms or conditions of agreements or contracts between the grantee and users (including industrial users, special districts, other municipalities, or Federal agencies or installations) which are inconsistent with the requirements of Section 204 (b) (1) (A) of the Clean Water Act (P.L. 92-500) and these regulations.

Section 7. Suspension/Termination of Sewer Service

A. Involuntary Termination: The District may cause the disconnection of any sewer service connected to the sewerage system for:

1. Failure to pay the established fees and charges,
2. Violating the District's Rules and Regulations, policies and directives, or
3. Where such disconnection is deemed to be necessary to protect the public's health and safety.

Reconnection shall be allowed only after the cause for the disconnection has been addressed to the satisfaction of the District. All costs incurred to physically disconnect from the system (performed by the District), together with the estimated cost of reconnection (performed by the District) shall be due and payable upon disconnection and if not paid within 90 days of disconnection shall be included in any lien filed pursuant to Arizona law (see e.g., A.R.S. §§ 48-2027 (I) & (J)). If the actual cost of reconnection is less than paid in advance, the difference shall be refunded to the customer within thirty (30) days of reconnection. If the actual cost of reconnection is greater than paid in advance, the customer shall be billed for the difference payable within thirty (30) days of reconnection.

B. Voluntary Suspension/Termination of Sewer Service: Voluntary suspension/termination of sewer service shall not be allowed. Once service is established, Sewer User Fees shall be billed, due, and payable as established from time to time by the District's Board of Directors.

Section 8. Charges for Reclaimed Water

The Board shall set and periodically review charges for the sale of reclaimed water from the District's treatment facilities consistent with existing Agreements and policies.

**ARTICLE IX
MISCELLANEOUS**

Section 1. No Person Shall Damage or Tamper with Sewage Works

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the District sewage works.

Section 2. Annexation/Annexation Fee

Any person or other owner of property who desires to be provided sewer service by the District or who desires to annex his property to the District will pay, in addition to the fees as set forth in Article VIII hereof, a connection fee to be set by the Board.

Section 3. Easements

A. All property owners desiring the connection of the improvements on their property to the sewer system of the District shall grant to the District, at no charge to the District, those easements necessary to properly effectuate the sewer connection desired and provide the District with a right-of-way over and along all sewers the District will operate and maintain, in such form and subject to such conditions as the District deems necessary and appropriate, including without limitation the conditions set forth in subsection B.

B. All persons and entities owning, occupying or having control over any lot, parcel or structure connected to the sewer system of the District or to which sanitary service is available to their property from the District shall abide by the following restrictions and conditions regarding the use of any and all public utility easements and rights-of-way held or used by the District, or which the District is authorized to use for the construction, maintenance or operation of sewer-related facilities:

1. Shall not block or unreasonably restrict the District's access thereto or use thereto;
2. Shall not construct, build, establish, plant, place or maintain therein, or in proximity thereto, any building or structure (including, without limitation, residences, fences, gates, sheds, businesses, poles, towers) or any other item including without limitation, trees, shrubbery, boulders, vehicles, firewood, building materials, pools, gazebos, retaining walls, etc., so as to create a hazard to the public, the District, the District's facilities or any employee of the District;

3. Prior to constructing, building, placing, planting, establishing or maintaining anything therein or excavating therein, shall secure a permit from the District authorizing the activity;
4. Any violation of the conditions set forth in subsections B.1-B.3, shall be removed, or otherwise addressed to the satisfaction of the District, without cost to the District; and
5. In the event a violation of this subsection B is not remedied as requested by District, or if District deems immediate action necessary to preserve the health or safety of the public, the District, the District's facilities or the District's employees, the District may remedy the violation and charge the person or entity in violation of this subsection B all costs incurred by the District, including, without limitation, labor, materials and overheads.

C. Applicants for a permit required by subsection B shall submit a written application therefore, together with any application fee and provide all further information District deems necessary and appropriate. District shall notify the applicant of the grant or denial of the application within 10 business days following receipt of all requested information. If granted, the applicant shall pay any required permit fee and comply with all terms and conditions of the permit. All items authorized by the permit shall be located subject to the direction and approval of the District.

D. The Board may prescribe guidelines and procedures for the abandonment of any easement or right-of-way or any rights therein held by the District which the Board determines is not and will not be required by the District in the operation of its sewerage system.

E. The Board may establish fees for processing applications and granting permits and abandonments under this Section 3.

Section 4. Construction Specifications

A. All sewer laterals, house laterals, or other connections or connecting sewers which adjoin or connect to any portion of the District sewer system shall be constructed in accordance with the Uniform Plumbing Code and any applicable District Design Standards. Additionally, all sewer main line construction shall conform to the District's Design Standards and specifications.

B. All users connecting to the public sewer shall, at their own expense, install and maintain a check valve or backwater valve where:

1. Deemed necessary in the opinion of the District Manager,
2. Required by the provisions of the Uniform Plumbing code, or
3. A house or building structure is situated above a sewer line but below the next upstream manhole.

C. The District, its agents, servants, and employees shall not be responsible for the ownership, installation, operation or maintenance of a check valve or backwater valve installed on a private sewer.

D. Except as expressly set forth in this subsection, the user is responsible, at its cost, for the design, construction, operation, maintenance, repair and replacement of all facilities and equipment needed to convey sewage and industrial waste within and from its land to the public sewer, including, without limitation, any lift station and force main. Such facilities shall conform with the Design Standards and other requirements of the District.

1. Laterals shall be designed and constructed by the District, provided the required Lateral Fee has been paid to the District.
2. The District may agree to own, operate, maintain, repair and/or replace lift stations and other facilities at no cost to the user when installed in public utility easements or dedicated rights-of-way and serve more than one property.
3. This subsection does not affect the obligations of the original developer under Article VII “Standards Applying to New Developments”.

E. The failure of the original developer to fully or properly fulfill its obligations under Article VII does not affect the obligations of the current user under this section.

Section 5 Low Flow Fixtures and Devices

A. Certification

The plumbing fixtures and devices required to be installed pursuant to the District’s Rules and Regulations shall be certified by the International Association of Plumbing and Mechanical Officials and comply with all applicable American-National Standards Institute standards.

B. Specific low-flow fixtures and devices required.

1. The plumbing fixtures and devices specified in these Rules and Regulations shall be installed, unless otherwise indicated herein, in every new building or addition to an existing building for which a building permit has been issued after the effective date of Resolution 166 and when a replacement fixture or device is required in any building.
2. Faucets (general): All lavatory, kitchen and bar sink faucets shall be designed, manufactured, installed, or equipped with a flow control device or aerator which will not allow a water flow rate in excess of 2.75 gallons per minute.
3. Faucets (public restrooms): In addition to the general requirements set forth in Sub-section 2 above, lavatory faucets located in restrooms intended for use by the general public shall be of the metering or self-closing type.
4. Showerheads: Showerheads, except where provided for safety reasons, shall be designed, manufactured and installed with a flow limitation device which will not allow a water flow rate in excess of 2.75 gallons per minute. The flow limitation device must be a permanent and integral part of the showerhead and must not be removable to allow flow rates in excess of 2.75 gallons per minute.
5. Urinals: Urinals shall be designed, manufactured and installed so the maximum flush will not exceed 1.5 gallons of water. Adjustable type flushometer valves may be used provided they are adjusted so the maximum flush will not exceed 1.5 gallons of water.
6. Water closets: Water closets shall be designed, manufactured and installed so the maximum flush will not exceed 1.5 gallons of water.

C. Flow restriction device required for water-cooled refrigerating systems.

1. These Rules and Regulations shall apply to water-cooled refrigerating systems using water, entirely or in part, as a means of condensing a refrigerant.
2. Water-cooled refrigerating systems, except as otherwise provided, shall be equipped with one of the following devices:

- a. Cooling tower; or
 - b. An evaporative condenser; or
 - c. An acceptable water circulating device.
3. The provisions of Subsection 2 above shall not apply to Systems with an aggregate total of two tons or less or a rating of two horsepower or less and located or installed at one street address. Multiple dwelling unit structures are considered as one street address. However, such systems should be equipped with water regulation valves adjusted to use a minimum amount of water.
- D. The provisions of this section shall become effective on January 1, 1989.

ARTICLE X PENALTIES, COSTS AND APPEALS

Section 1. Penalties

A. Any person, firm, corporation or entity violating any of the provisions of these Rules and Regulations, including, without limitation, the failure to install and properly maintain required traps, interceptors, and pretreatment facilities, in addition to being subject to any other penalties and remedies set forth above or provided by law, shall be:

1. Committing a public nuisance which may be abated,
2. Deemed guilty of a class 2 misdemeanor and, upon conviction thereof, shall be punishable by a fine as allowed by law. Each day such violation continues shall be deemed and considered a separate offense,
3. Subject to termination of their service in accordance with Article VI, Section 1.M and Article VIII, Section 7,
4. Subject to citation by the District and payment of an administrative penalty payable by user to the District in an amount not to exceed \$500.00 per citation, and
5. Responsible for and pay the District, any expense, loss or damage incurred by the District as a result of such violation, including without limitation, the increased cost of treatment and disposal and attorney's fees.

B. Any amount due under this Article or Article V, Section 8 shall be due and payable twenty (20) days after the date of the notice of penalty or billing for costs and shall be deemed delinquent if not paid within said twenty days, unless appealed pursuant to Section 2 of this Article.

Section 2. Appeals of Penalties and Costs

A. Any person notified of a violation, penalty or billed for costs under these Rules and Regulations may appeal to the Board of Directors. A notice of appeal must be made in writing submitted to the District within twenty (20) days of the date the bill or notice of penalty. The notice of appeal shall set forth with particularity the basis of the appeal.

B. The Board, or a Director designated by the Board, shall consider the documentation submitted in the notice of appeal and any written response submitted by the District Manager. The Board or designated director may request supplemental information to be submitted. Within forty-five (45) days of submittal of the notice of appeal, the Board, or the designated Director, shall determine whether there is cause to conduct a hearing on the matter and provide written notice either: (1) of the date, time, place and scope of such hearing, or (2) confirmation of the initial violation, billing and penalty. The hearing, if held, shall be conducted by the Board, or the designated Director, not less than ten (10) days or more than forty-five (45) days after the date of the notice of hearing. Decisions rendered by the Board, or the designated Director, shall be final.

**ARTICLE XI
GENERAL**

Section 1. Severability

If any section, paragraph, subdivision, sentence, clause, or phrase of these Rules and Regulations shall for any reason be held illegal or unenforceable, such decision shall not affect the validity of the remaining portions of these Rules and Regulations. The Board of Directors of the Fountain Hills Sanitary District hereby declares that the District would have adopted these Rules and Regulations, each and every section, subdivision, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subdivisions, sentences, clauses or phrases of these Rules and Regulations may be illegal, invalid or unenforceable.

Section 2. Authorizations

The District hereby authorizes its attorneys, agents, and employees to take all steps as are necessary to enforce these Rules and Regulations.

ADOPTED THIS 13TH DAY OF November, 1986.

(S) Herbert W. Robinson

**ATTEST:
(S) R. MULLIGAN**

FOUNTAIN HILLS SANITARY DISTRICT
RULES & REGULATIONS

RESOLUTIONS

<u>Resolution Number</u>	<u>Date</u>	<u>Description</u>
151	November 13, 1986	Adopted
164	December 10, 1987	Adding Definitions
166	September 8, 1988	Add Section 6 to Article IX
183	April 1, 1995	Amend Duties of Sanitary District Board
189	December 19, 1995	Amending Section 3 – Responsibilities of Developer
224	January 18, 2005	Clarifying Responsibility of Property Owners and Amending Article V Section 11
238	March 20, 2007	Amending Article V, Article IX, Article X, and Article XI
249	April 19, 2011	Amending Article VIII, Section 7
265	June 21, 2016	Amending Article IX, Section 3, Dealing with Easements